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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,237	03/15/2001	Hideo Ando	204591US-2S	6630
22850	7590	11/30/2004	EXAMINER	
OBOLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, HUY THANH	
		ART UNIT	PAPER NUMBER	
		2616		

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/808,237	ANDO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	HUY T NGUYEN	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 August 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/18/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 August 2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 14 –23 are rejected Claims 14,15,17,19,20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Kim et al (6,801,711) in view of Tsukidate (6,714,722) .

Regarding claims claim 14, 17 and 19, Kim discloses a bitstream data recording/reproducing apparatus (Fig. 1) using a recordable information medium (230) having a data area and a management area (Figs. 5,6 ) providing a data for recording broadcasted bitstream information (column 4, lines 29-31 , lines 43-46) , a the data stored on said information medium including, a stream object, formed of the broadcasted bitstream information, including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit, the at least one third data unit storing header information relating to the at least one first data unit in the at least one third data unit (Figs 3, 5 and 6, each pack of third unit having a header relating to the first unit).

Further for claims 14 and 19 , Kim discloses a formatter (120, 130) configured to format an input signal into a bitstream of data packets for an MPEG transport stream, said data packets corresponding to the at least one first data unit; and a recorder section (220,230) configured to record the bitstream in the data area of said information medium (fig. 5,6, column 8, lines 10-20)

Further for claim 17 , Kim further teaches a reproduction section (250) and decoding section (120) reproduces the broadcasted bitstream information from the data area of said information medium ; and a transfer section transfers the data packets in the reproduced broadcasted bitstream information from the reproducer section to a decoder in which a content of the data packets is decoded (column 4, lines 54-61).

Further for claim 14,17 and 19 , Kim teaches the management information further including variable packet length information for each recording (column 5, lines 22-60, column 8, lines 55-65).

Kim further teaches that the apparatus receives the broadcast streams from a plurality of stations (column 4, lines 29-32) but fails to teach the management information further having codes indicative a broadcast sources as being recited in claims 14,17,19,20 and 22.

Tsukidate teaches a recording and reproducing apparatus having means for recording the service information codes including source information (Figs. 6 and 8).

It would have been obvious to one of ordinary skill in the art to modify Kim with Tsukidate by providing a control means as taught by Tsukidate with the recording apparatus of Kim for recording the information of the broadcast source of the management information of thereby enhancing the capacity of the apparatus in identifying the recorded streams to be properly process and reproduced when the apparatus records a plurality of the stream programs on the medium.

Method claim 20 corresponds to apparatus claim 14. Therefore, method claim 20 is rejected by the same reason as applied to apparatus claim 14.

Method claim 22 corresponds to apparatus claim 17. Therefore, method claim 22 is rejected by the same reason as applied to apparatus claim 17.

Regarding claim 15, Kim further teaches the formatter generates management information, and said recorder section records the generated management information in the management area of said information medium (column 1, lines 10-13, column 5, lines 15-60).

Regarding claims 16, 18, 21 and 23 , Kim further teaches the management area of said information medium is configured to store packet length information , the packet length information indicating a length of the data packets (length of a object unit)(column 5, lines 22-65, Fig. 6).

4. Claims 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Na et al (6,366,731) in view of Yoshinobu et al (5,686,954) and Hiroshima et al (5,801,781).

Regarding claims 14,15,17 and 19, Na discloses a bitstream data processing apparatus (Figs 2 and 3 ) using a recordable information medium (column 4, lines 12-16) having a data area providing a data structure for recording broadcasted bitstream information, the data structure stored on said information medium including, a stream object, formed of the broadcasted bitstream information, including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one

third data unit having the at least one second data unit, the at least one third data unit storing header information relating to the at least one first data unit in the at least one third data unit (program ID, time stamps, column 7)( a section of a program or a program is considered as a third unit that includes second units and first units).

Na further teaches the use of ID information that including a program number of a broadcast source to reproduce a specified program by but fails to teach storing of the ID information on a management area .

Yoshinobu teaches a recording/ recoding apparatus for recording a stream broadcast that having a control means for providing a medium with a management area for storing the management information that including broadcast source including the program title of a channel , program names (column 24, lines 53 –67) (Fig. 12).

It would have been obvious to one of ordinary skill in the art to modify Na with Yoshinobu by providing the apparatus of Na with a control means as taught by Yoshinobu to provide the medium of Na with a management area for storing the management information including service information that specifies a broadcast source thereby enhancing capacity the apparatus of Na in accessing the store steam data .

Further for claims 14 and 19, Na as modified with Yoshinobu teaches recording means for recording the data and management information since both Na and Yoshinobu apparatus having capacity of recording stream data and management information.

Further for claim 17, Na as modified with Yoshinobu teaches recording means for recording the data and management information since both Na and Yoshinobu

apparatus having capacity of reproducing recorded stream data and management information.

Na as modified with Yoshinobu fails to teach providing the management information with packet length as being recited in preamble of claims 14,17 and 19. However, it is noted that using variable packet length information as management information for managing the packet is well known in the art as taught by Hiroshima (Fig. 8A). Therefore, it would have been obvious to one of ordinary skill in the art to modify Na as modified with Yoshinobu with Hiroshima by providing the management information of Na as modified with Yoshinobu with packet length information as taught by Hiroshima for managing the packets in the data unit when needed .

Method claim 20 corresponds to apparatus claim 14. Therefore, method claim 20 is rejected by the same reason as applied to apparatus claim 14.

Method claim 22 corresponds to apparatus claim 17. Therefore method claim 22 is rejected by the same reason as applied to apparatus claim 17.

Regarding claims 16,18,21 and 23 , Na as modified with Yoshinobu further teaches that the packet length information indicating the length of packets (See Hiroshima Fig. 8A).

Regarding claim 14,15,17,19 and 22, Applicant argues that Na and Yoshinobu do not teach the first management information is configured to be variable with respect to packet length for each recording and second management information includes code , each code specifies a respective broadcast source . In response, it is

noted that Na as combined with Yoshinobu teaches the recited second management information since Na teaches recording a plurality of programs on the medium and Yoshinobu teaches recording a plurality of program on a medium and management information including title or channel that considered as the recited broadcast source . Since the channel and titles information recorded on the medium used identifying the program sources the title and channel information includes codes . The combination of Na and Yoshinobu ad Hiroshima teaches the first management information that is variable . Na at figure 8A teaches packet length information is variable for each recording.

***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY N. NGUYEN  
PRIMARY EXAMINER